

REMARKS

The Examiner has rejected claims 1, 2 and 4-8 under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 6,006,257 to Slezak. The Examiner has further rejected claim 3 under 35 U.S.C. 103(a) as being unpatentable over slezak in view of U.S. Patent 7,257,132 to Akamatsu et al.

The Slezak patent discloses a multimedia architecture for interactive advertising in which secondary programming is varied based upon viewer demographics and content of primary programming, in which a user sends signals back to the service provider to affect the delivery of a streamed video program, thus enabling a fast-forward function or rewind function.

As noted in MPEP §2131, it is well-founded that "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Further, "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

The subject invention, as claimed in claim 1, includes the steps "generating an information signal consisting essentially of control information and an input broadcast program comprising at least one particular event", "transmitting said information signal to each user", "the user making a choice of subscription using a

device comprising means for effecting said choice, said device further comprising means for selecting" and "wherein said means for selecting operates on the input broadcast program comprising at least one particular event in dependence on the control information to selectively provide an output broadcast program, the particular event being included or not included in the output broadcast program according to the chosen subscription in accordance with said control information".

The Examiner has indicated that Slezak discloses these steps and cites col. 8, lines 18-39, col. 9, lines 6-10 and 39-55, col. 3, lines 63-67 and col. 4, lines 1-4.

Applicants submit that the Examiner is mistaken. In particular, col. 8, lines 18-39 states:

"The overlay processing unit 130 can be used to display texts and graphics to a viewer in conjunction with, or independently of the primary or secondary programming currently being displayed. For example, a list of movies could be displayed overtop a primary program showing a continuous stream of trailers showing each movie. Thereafter, when a viewer selects a certain movie, such as with an inferred remote control unit, a keyboard or a mouse, the set-top unit 504 requests, from an assigned video server 520, a secondary program showing a longer trailer regarding the selected movie while the overlay processing unit displays a message requesting the viewer to input whether he wishes to receive the movie for free, with a lot of advertising, for half the price with minimal advertising, or for full price with no advertising. Further, the overlay processing unit can be used during the advertising programming segments to take an order for the advertised product, request input from the viewer regarding the viewers responses to the advertising, the desirability for future advertising regarding the product shown during the advertising radio programming, or other demographic information."

The above section of Slezak indicates that a set-top unit includes an overlay processor for overlaying text onto programming currently being displayed, and means for effecting a choice (e.g., keyboard or a mouse).

Col. 9, lines 6-10 and 39-55 states:

"The process shown and described in FIG. 7 is directed toward providing a primary video stream as the primary program and a secondary video stream as the secondary program, but other types of streams may be used such as simple graphics or audio."

and

"If, in step 2014, the message does not require a return question, it is determined whether the viewer is viewing a "must view" video in step 2020. A "must view" video may comprise, for example, advertising when the viewer has indicated that he wishes to receive advertising in return for a reduced cost of viewing the primary video programming. Alternatively, a "must view" video may also comprise, secondary video programming for which the advertiser has paid a premium fee to insure that a certain segment of the population receives it. Alternatively, in an educational setting, a "must view" video may comprise certain key points of the educational material which the student is required to view. If the viewer is viewing a "must view" video, the process proceeds to step 2022 where it is determined whether the command requests a forward shift in the current video stream or an entirely new video stream. If command does request a forward shift or change from the current video stream, the process is waited until the current "must view" video stream is completed in step 2024."

This section of Slezak indicates that certain control signals may be sent along with the video signal.

Col. 3, lines 63-67 and col. 4, lines 1-4 states:

"For example, when a viewer selects a movie to view as the primary program, he can be prompted to select whether he wishes to view the movie, for full charge without secondary programs, i.e. advertising, the same movie for half charge with some secondary programming

presented during the movie, or the same movie at no charge with secondary programming including interactive advertising and questions, requiring a response from the viewer, presented during the movie."

this section merely states that the viewer is given a choice of how to view the movie (i.e., with or without additional programming).

Applicants submit that while Slezak discloses means for effecting a choice between receiving movies with or without advertising, Slezak neither discloses nor suggests that the device used by the user to effect a choice of subscription also includes means for selecting, and that the means for selecting uses the control information to generate an output broadcast program from the input broadcast program included in the information signal, in which the output broadcast program selectively includes (or does not include) the particular event according to the chosen subscription. In other words, all users receive the information signal inclusive of the input broadcast program having the particular event, and the control information, while the means for selecting processes the input broadcast program under control of the control information to form an output broadcast program with or without the particular event.

Claim 3 includes the limitations "said device is configured to perform the acts of accelerated reading of a recorded program; and deactivating said accelerated reading during the particular event in respect of a specified subscription in accordance with said control information."

The Akamatsu et al. patent discloses a receiver set, information apparatus and receiving system, which includes a digital broadcast receiver, and means for recording broadcast program data. However, there is no disclosure or suggestion as to how this could operate with Slezak in order to effect the limitations of claim 3. Further, Applicants submit that Akamatsu et al. does not supply that which is missing from Slezak.

In view of the above, Applicants believe that the subject invention, as claimed, is neither anticipated nor rendered obvious by the prior art, either individually or collectively, and as such, is patentable thereover.

Applicants believe that this application, containing claims 1-8, is now in condition for allowance and such action is respectfully requested.

Respectfully submitted,

by /Edward W. Goodman/  
Edward W. Goodman, Reg. 28,613  
Attorney  
Tel.: 914-333-9611